

made to Rule I clause 5(a)⁽¹⁴⁾ which renders this precedent obsolete. Clause 5(a) was amended to read as follows:

In clause 5(a) of rule I, insert before the last sentence the following: "A recorded vote taken pursuant to this paragraph shall be considered a vote by the yeas and nays."

Following the adoption of this amendment, a recorded vote, whether taken electronically or by clerks, would preclude a demand for the yeas and nays.

§ 31. The Electronic Voting System

The electronic voting system was first used in the House on Jan. 23, 1973.⁽¹⁵⁾ The pertinent rule [Rule XV clause 5(a)] was adopted in 1972.⁽¹⁶⁾ Since its installation, it has been used almost exclusively for votes taken by the yeas and nays in the House and for recorded votes in the House and in Committee of the Whole. Back-up procedures have been used on rare occasions where the

electronic system was inoperable.⁽¹⁷⁾ The use of the electronic system, with the shortened voting times the system permits, coupled with the rules change in the 92d Congress which for the first time permitted recorded votes in Committee of the Whole,⁽¹⁸⁾ has changed the culture of the House. In the 90th Congress when the Members responded verbally when their names were called by the reading clerk, there were 875 roll calls (397 quorum calls and 478 votes by the yeas and nays), while in the 103d, utilizing the electronic system, there were 1,122 (only 28 quorum calls, 468 yeas and nays, and 626 recorded votes), and in the 104th, there were 1,340 (19 quorum calls, 522 yeas and nays, and 799 recorded votes).

The procedures used in conducting electronic votes have been altered as the House lived with the system and learned its capabilities. Various changes in the pertinent rules and in the manner of using the system have been adopted by the House or announced by the Speaker. These

14. See § 24(a) of H. Res. 5, adopted Jan. 7, 1997, 143 CONG. REC. p. ———, 105th Cong. 1st Sess.

15. 119 CONG. REC. 1793, 93d Cong. 1st Sess.

16. H. Res. 1123, 118 CONG. REC. 36005–12, 92d Cong. 2d Sess., Oct. 13, 1972.

17. 119 CONG. REC. 6699, 93d Cong. 1st Sess., Mar. 7, 1973; 129 CONG. REC. 18858, 98th Cong. 1st Sess., July 13, 1983.

18. H. Res. 5, 117 CONG. REC. 132–44, 92d Cong. 1st Sess., Jan. 22, 1971.

are noted in this section. Some are carried for their historical significance even though no longer current in the practice of the House.

Use of; Procedure

§ 31.1 In the 92d Congress, the House amended its rules to provide procedures for the recording of votes in the House and in Committee of the Whole by electronic device at the discretion of the Chair; provision was also made for a “back-up” non-electronic procedure for recorded votes by which clerk tellers may be appointed under a single-step demand for a “recorded vote.”

On Oct. 13, 1972,⁽¹⁹⁾ Mr. B. F. Sisk, of California, by direction of the Committee on Rules, called up House Resolution 1123.⁽²⁰⁾

19. 118 CONG. REC. 36005, 36006, 92d Cong. 2d Sess.

20. H. Res. 1123 was intended to incorporate the electronic voting system into prevailing House procedures with only slight rule changes where necessary. The context of those changes, however, is relevant to an understanding of the system's availability. Accordingly, that language which would amend the then-prevailing rules is italicized. A concise

The Clerk read as follows [emphasis supplied]:

H. RES. 1123

Resolved, That (a) clause 5 of Rule I of the Rules of the House of Representatives is amended to read as follows:

“5. He [the Speaker] shall rise to put a question, but may state it sitting; and shall put questions in this form, to wit: ‘As many as are in favor (as the question may be), say “Aye”.’; and after the affirmative voice is expressed, ‘As many as are opposed, say “No”.’; if he doubts or a division is called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one or more from each side of the question to tell the Members in the affirmative and negative; which being reported, he shall rise and state the decision. *However, if any Member requests a recorded vote and that request is supported by at least one-fifth of a quorum, such vote shall be taken by electronic device, unless the Speaker in his discretion orders clerks to tell the names of those voting on each side of the question, and such names shall be recorded by electronic device*

yet comprehensive explanation of these language changes is provided in the excerpted remarks of Mr. H. Allen Smith (Calif.), *infra*. Rule I clause 5 has been subsequently amended to remove the option for teller votes. See H. Res. 5, 139 CONG. REC. 49, 103d Cong. 1st Sess., Jan. 5, 1993.

A current edition of the *House Rules and Manual* should be consulted for further modifications in Rules I, VIII, and XV.

or by clerks, as the case may be, and shall be entered in the Journal, together with the names of those not voting. Members shall have not less than fifteen minutes to be counted from the ordering of the recorded vote or the ordering of clerks to tell the vote.”

(b) Clause 2 of Rule VIII of the Rules of the House of Representatives is amended to read as follows:

“2. Pairs shall be announced by the Clerk *immediately before the announcement by the Chair of the result of the vote* from a written list furnished him, and signed by the Member making the statement to the Clerk, which list shall be published in the Record as a part of the proceedings, immediately following the names of those not voting. However, pairs shall be announced but once during the same legislative day.”

(c) Rule XV of the Rules of the House of Representatives is amended to read as follows:

“RULE XV.

“ON CALLS OF THE ROLL AND HOUSE

“1. *Subject to clause 5 of this Rule* upon every roll call the names of the Members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the State shall be added; and if there be two such Members from the same State, the whole name shall be called, and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting. Members appearing after the second call, but before the result is announced, may vote or announce a pair.

“2. (a) In the absence of a quorum, fifteen Members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent Members; and those for whom no sufficient excuse is made

may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured and retained; and the House shall determine upon what condition they shall be discharged. Members who voluntarily appear shall, unless the House otherwise direct, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present.

“(b) *Subject to clause 5 of this Rule*, when a call of the House in the absence of a quorum is ordered, the Speaker shall name one or more clerks to tell the Members who are present. The names of those present shall be recorded by such clerks, and shall be entered in the Journal and the absentees noted, *but the doors shall not be closed except when so ordered by the Speaker. Members shall have not less than fifteen minutes from the ordering of a call of the House to have their presence recorded.*⁽¹⁾

“3. On the demand of any Member, or at the suggestion of the Speaker, the names of Members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the Members voting, and be counted and announced in determining the presence of a quorum to do business.

“4. *Subject to clause 5 of this Rule*, whenever a quorum fails to vote on any question, and a quorum is not

1. Another proposed change in H. Res. 1123 affecting Rule 15 clause 2(b) was the deletion of language granting the Chair discretionary authority to require the use of tally sheets in counting a quorum. See the remarks of Mr. H. Allen Smith (Calif.), *infra*.

present and objection is made for that cause, unless the House shall adjourn there shall be a call of the House, and the Sergeant-at-Arms shall forthwith proceed to bring in absent Members; and the yeas and nays on the pending question shall at the same time be considered as ordered. The Clerk shall call the roll, and each Member as he answers to his name may vote on the pending question, and, after the roll call is completed, each Member arrested shall be brought by the Sergeant-at-Arms before the House, whereupon he shall be noted as present, discharged from arrest, and given an opportunity to vote and his vote shall be recorded. If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted, and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed, the Speaker may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker; and if the House adjourns, all proceedings under this clause shall be vacated.

“5. Unless, in his discretion, the Speaker orders the calling of the names of Members in the manner provided for under the preceding provisions of this rule, upon any roll call or quorum call the names of such Members voting or present shall be recorded by electronic device. In any such case, the Clerk shall enter in the Journal and publish in the Congressional Record, in alphabetical order in each category, a list of the names of those Members recorded as voting in the affirmative, of those Members recorded as voting in the negative, and of those Members answering present, as the case may be,

as if their names had been called in the manner provided for under such preceding provisions. *Members shall have not less than fifteen minutes from the ordering of the roll call or quorum call to have their vote or presence recorded.*”.

(d) Clause 2 of Rule XXIII of the Rules of the House of Representatives is amended to read as follows:

“2. Whenever a Committee of the Whole finds itself without a quorum which shall consist of one hundred Members, *the Chairman shall invoke the procedure for the call of the roll under clause 5 of Rule XV, unless in his discretion, he orders a call of the committee to be taken by the procedure set forth in clause 2(b) of Rule XV; and thereupon the Committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the Committee shall thereupon resume its sitting without further order of the House.*”.

Thereafter, Mr. Sisk yielded part of his time to Mr. Wayne L. Hays (Ohio) (Chairman of the Committee on House Administration, the committee responsible for installation of the electronic voting system), who proceeded to explain some of the aspects of the system. Mr. Hays pointed out the two consoles—one on each side of the House—at which the Majority and Minority Leaders would be able to “call up any group of names” and determine how those Members voted. He further discussed several other components, as the following excerpt indicates:

If the Members will notice the tallies on either side of the Chamber, it can

be noticed the time is ticking away. When the votes start, where it says "time," it will be 15 minutes, and it keeps ticking down to zero. When it reaches zero, the Chair will announce that all the voting is over, and unless there is a Member in the Chamber who has not voted, then he will be permitted to vote, and the Chair will be able to lock the vote in, and that will be it, and it will tell instantaneously what the vote is, the "yeas" and "nays."

In addition to that, there will be a printout available for the members of the press out in the lobby almost immediately after the vote is over, telling exactly how each and every Member voted.

Mr. Speaker, the voting will be done by a little plastic card which is punched on either end identically, so you can put it in upside down or backwards. No matter how you put it in, it is supposed to work, and it will key only your name.

If the Members will note during this demonstration, under my name we just have one card made up as a sample at the moment. Every Member will get one. There is a red light at the left of my name. That means I have inserted the card and voted "no." If I decide to change my vote, I will put the card back in one of the slots and press the "yea."

Mr. Speaker, I will now press the "yea" button, and hopefully the red light will change to a green light. . . .

Shortly thereafter, Mr. Hays offered to answer any of the Members' questions whereupon Mr. Hale Boggs, of Louisiana, prompted the following exchange:

MR. BOGGS: . . . Mr. Speaker, I would just like to ask the gentleman this question: On the time clock over here, does the board automatically go off when the time limit has expired?

MR. HAYS: No, it does not. It does not go off until it is locked out up at the Speaker's desk.

MR. BOGGS: So that means we now have 1 or, rather, 1½ minutes to vote. May I ask, when it becomes zero, then how long is it open there at the desk?

MR. HAYS: When it comes to zero, the Speaker will bang down his gavel and will say, "All time has expired," or "Are there any Members in the Chamber who desire to vote?" It is just like we do it now on a teller vote. If there are any who desire to vote, he will give them a minute or two more to do so, and then he will lock the machine out, and that is the end of it.

If a Member has misplaced a card, then he can go to the desk, and there will be an arrangement where he can fill out a card, an arrangement where he can sign a red or green or amber ballot, just like we do now for a teller vote. Then the Clerk up there will put a master card in and vote for the Member, and it will show up as on the teller votes. . . .

Mr. Hays proceeded to discuss the economics of the system after which Mr. Sisk sought to explain some of the procedural changes being proposed as well as the nature of the "backup" procedures:

I would briefly like to comment in connection with the fallback or fail-safe position with regard to the voting and other matters contained in the resolution.

In brief we propose that machinery be used in all appropriate voting situations, that is, whenever names of Members are to be recorded. We also propose to put in the rules substitution of present procedures as a backup in case the machinery becomes unavailable for whatever the reason may be. We also propose that we use the backup procedures at the discretion of the Chairman of the Committee of the Whole.

We also are suggesting two additional changes in the backup procedure. The first occurs in the procedure for tellers with clerks or what is called the recorded teller vote.

I want to emphasize that the amendments we offer do not in any way alter the basic substance of that procedure. What we are trying to do is to simplify the process.

I might add what we propose is substantially the way the Democratic caucus asked for during the past year. As the rules now stand a Member must make two separate requests to get a recorded teller vote, and we know the procedures.

We further propose doing away with the time-consuming process of making Members act as tellers in the recording of the teller votes. There is no reason why Members must be found to stand at the head of the aisle to record the vote. Clerks will simply be required to do that in the future in the event that there are teller votes.

Mr. Speaker, we are also proposing a new method for recording Members during quorum calls. At the present time, as you know, the Clerk calls the roll twice and recognizes Members in the House in a time-consuming proc-

ess. Again we have a recommendation from the caucus in connection with this matter. In effect this method would have the clerks tell the Members just as they do in a recorded teller vote, for instance, in recording the presence of the Members.

Instead of calling the roll, the clerks would merely record the names of the Members as they came up the aisle in the Chamber, or in any other fashion that the Speaker made known.

MR. HAYS: Mr. Speaker, will the gentleman yield?

MR. SISK: I will be glad to yield to the gentleman from Ohio.

MR. HAYS: You could use the electronic system for a quorum call.

MR. SISK: Certainly. In almost all cases I think the electronic system will be used. What I am explaining is the so-called backup procedure in the event that we did not desire to use the electronic system.

In the course of further discussion, Walter E. Fauntroy, the Delegate from the District of Columbia, posed the following question⁽²⁾ to which Mr. Sisk offered a reply.

MR. FAUNTROY: Mr. Speaker, as the Members know, I cannot vote in this Chamber, and I would like to, and I am very anxious to do so some day. But I would ask, under this proposed system, what would prevent someone who is as anxious as I am to vote, of someone handing me their card, and punching the card for them?

MR. SISK: Let me make a brief comment here. Actually, the Members of

2. 118 CONG. REC. 36007, 36008, 92d Cong. 2d Sess.

the Congress work on their own honor, as we are today. As you will recall, there was an incident in the last Congress in which accusations were made. I do not think anything deliberate had been done, but there were mistakes, apparently, by the clerks. But again it gets down to a matter of the integrity of each Member.

Shortly thereafter, Mr. Sisk yielded his remaining time to Mr. H. Allen Smith, of California, who concisely singled out those changes in the rules which would be brought about by passage of House Resolution 1123:

Mr. Speaker, the purpose of House Resolution 1123 is to make the changes in the House rules which will be required in order to use the electronic voting equipment installed in the House Chamber. Changes are made at four different points in the rules.

The first change [is] in rule I, clause 5, which deals with how votes may be taken in the House. House Resolution 1123 adds language, which provides that a recorded vote may be taken by electronic device. The procedure would be as follows: A Member may request a recorded vote at any time after the question has been put by the Speaker. The intent is that a request for a recorded vote shall be in order before or after a voice vote, a division vote or a teller vote. If a Member requests a recorded vote and is supported by one-fifth of a quorum, the vote will be taken by electronic device. A Member may no longer demand a vote by tellers with clerks. However, once a recorded vote is ordered, the Speaker in

his discretion may order a recorded vote with clerks. This would be similar to the present vote by tellers with clerks, except that the Speaker will appoint clerks to count, rather than Members. A Member shall have not less than 15 minutes to be counted. The time begins to run from the ordering of the recorded vote or the ordering of clerks to tell the vote.

The second change in the rules affects rule VIII, clause 2, which deals with the announcing of pairs. The present rule provides in relevant part, that—

Pairs shall be announced by the Clerk, after the completion of the second rollcall.

The new language provides that—

Pairs shall be announced by the Clerk immediately before the announcement by the Chair of the result of the vote.

This is a technical change to reflect the fact that there will no longer necessarily be a rollcall preceding the announcement of pairs, because of the use of the electronic device.

The third change in the rules affects rule XV which deals with calls of the roll and House. House Resolution 1123 adds language which provides that any rollcall or quorum call may be taken by electronic device. This new language is in clause 5 of rule XV. However, the Speaker in his discretion, may order that the names be called in the traditional manner. The first four clauses of rule XV, which describe the traditional system for taking rollcalls and quorum calls, are left intact for the most part, but are made subject to clause 5, which provides for the use of the electronic device.

As in the case of a vote, Members have not less than 15 minutes from the ordering of a call of the House to have their presence recorded by the electronic device.

In addition to changes in wording necessary to provide for rollcalls or quorum calls by electronic device, there is one part of the present rule XV which is dropped under this resolution. The present clause 2(b) of rule XV allows the Speaker discretion to order the use of tally sheets to record a quorum; once a quorum is recorded, it is in order to dispense with the rest of the call, allowing Members 30 minutes to record their presence on the tally sheet. This procedure was put into the rules as an amendment to the Legislative Reorganization Act of 1970. However, the procedure has never been used, and is removed from the rules by House Resolution 1123.

The fourth change in the rules affects rule XXIII, clause 2, which deals with the Committee of the Whole House. The language changes permit the use of the electronic device to record the presence of a quorum in the Committee of the Whole.

In summary, the major effect of House Resolution 1123 will be to provide for the use of the electronic device, while giving the Speaker the discretion to return to the traditional system as a backup. . . .

Following additional discussion, Mr. Sisk offered an amendment⁽³⁾ providing that the resolution would become effective immediately before noon on Jan. 3, 1973. The amendment was agreed

3. *Id.* at p. 36012.

to, and the resolution, as amended, was also agreed to.

§ 31.2 The Speaker inserted in the Record a detailed statement describing procedures to be followed during votes and quorum calls by electronic device and by the “back-up” procedures therefor.

On Jan. 15, 1973,⁽⁴⁾ Speaker Carl Albert, of Oklahoma, announced to the Members that effective Jan. 23, 1973, the electronic voting system would become operative. The Chair urged the Members to obtain their electronic voting cards and reminded them that a detailed statement concerning the operation of the system had been mailed to their offices by the Clerk. The Speaker further pointed out that each Member had been given a committee⁽⁵⁾ print entitled “The Electronic Voting System for the U.S. House of Representatives”; and that he would insert both the statement and the print⁽⁶⁾ in the Record.

The statement, in its entirety,⁽⁷⁾ reads as follows:

4. 119 CONG. REC. 1055, 93d Cong. 1st Sess.

5. Committee on House Administration.

6. See 119 CONG. REC. 1056, 1057, 93d Cong. 1st Sess., Jan. 15, 1973, for a copy of the print.

7. *Id.* at pp. 1055, 1056.

STATEMENT ON ELECTRONIC VOTING

Members are familiar with the fact that an electronic voting system was designed, developed, and installed during the 92d Congress. The rules of the House, adopted on January 3, 1973, now provide for the use of this new voting system. The Chair will announce in a few days when this system will be utilized, but in advance of its implementation, it seems advisable to promulgate the procedures regarding its use.

The Chair has given careful consideration to the implementation of this new voting mechanism. Discussions have been held with the Committee on House Administration, which is responsible for the technical development of the system, with the Committee on Rules, and with the Leadership on both sides of the aisle to determine the most efficient and practical means of utilizing the electronic system.

This new voting system has been designed primarily with the aim of reducing the time required to conduct recorded votes and quorum calls while at the same time assuring the accuracy of the vote or call. Consequently, the Chair anticipates that the use of this new procedure will not supplant votes by voice, division, or tellers as provided in the Rules of the House.

The use of this system by the Members can best be described in terms of the essential physical components. A number of *vote stations* are attached to selected chairs in the Chamber. Each station is equipped with a vote card slot and four indicators, marked "yea," "nay," "present," and "open." The first three indicators are also push-buttons used to cast votes, while the fourth is

illuminated only when a vote period is in progress and the station is in operational readiness to accept votes. Each Member has been provided with a personalized Vote-ID Card. The vote cards are encoded with a pattern of holes so as to be uniquely identifiable by the system when inserted into any of the vote stations. The *main display*, located over the press gallery, lists the Members' names alphabetically and will indicate their vote preferences by the illumination of colored lights adjacent to each Member's name. The color code is: green for yea, red for nay, and amber for present. The duplicate *summary displays*, located on the east and west gallery ledges, will identify the issue under consideration, provide running tallies of the yea, nay, and present responses recorded by the system, and show the time remaining during a vote period.

As the Members are undoubtedly aware, a computer system coordinates the interaction of these components and maintains a permanent record of the Members' votes.

Where a vote is to be taken, electronically, the Chair will instruct Members to record their presence or votes by means of the electronic device. This will initiate a fifteen minute voting period during which a Member may cast his vote. The initiation of a vote period will be accompanied by the illumination of the blue "open" light at each of the vote stations and by activation of the main and summary displays. The time indicated on the summary displays will reduce from 15:00 minutes to 00:00 minutes during the vote period.

A Member casts his vote by inserting his Vote-ID card into any one of the

vote stations and depressing the appropriate push-button indicator. The voting system indicates the recording of the Member's vote by illuminating the selected push-button indicator at the vote station and the vote preference light adjacent to the Member's name on the main display panel. At the same time, the appropriate running tally on the summary display will be incremented.

If a Member mis-casts his vote or desires to change his vote during the voting period, he may do so by simply repeating the method used for casting his original vote. The system will illuminate the push-button he last selected when he inserts his Vote-ID card into the station. At this point, he may change his vote by depressing another push-button. The running tallies on the summary displays will reflect the changed vote, and the vote preference light adjacent to the Member's name on the main display will change accordingly.

A Member may also verify his previously cast vote by simply inserting his Vote-ID card into a vote station and observing which push-button is illuminated.

In the event that a Member is in the Chamber without his Vote-ID card, he may still cast his vote in the following manner. Green "yea" ballot cards, red "nay" ballot cards, and amber "present" ballot cards will be available in the cloakrooms and in the Well. These cards have spaces for the Member to fill in his name, State, and district. Upon properly filling out an appropriate ballot card, the Member casts his vote by handing the ballot card to the Tally Clerk in the Well. The Tally Clerk will then record the

vote electronically and the main and summary displays will reflect the Member's vote preference. At the same time, the system deactivates the use of the Member's Vote-ID card for the duration of the vote then in progress. A Member without a Vote-ID card who has been recorded in this fashion and who then wishes to change his vote must seek recognition by the Chair and announce his change. That Member does not submit a second ballot card.

If a Member present in the Chamber at the time of a recorded vote in the House desires to be paired with a Member not present he should record himself as "present" in the manner prescribed above and, at the conclusion of the voting period seek recognition by the Speaker to announce his desire to create a pair with his absent colleague. As has been the practice under the precedents "pairs" will not be permitted in Committee of the Whole.

At the conclusion of the 15 minutes voting period, the time indicated on the summary displays will show "0:00"; however, the vote stations will remain open, indicated by the blue illumination of the "open" indicator light, until the Chair declares the vote to be closed and announces the final result. At this point, the summary panel time display will indicate "FINAL" and the vote stations will be closed to the acceptance of further votes.

When the vote is finally declared, printed reports of the results, alphabetically listing Members who responded "aye," "nay" or "present" or who did not respond at all will be available to the Leadership.

A similar method governs the use of the electronic vote system for the re-

conducting of quorum calls, both for the House and for the Committee of the Whole. The Chair will instruct that a quorum call be taken by electronic device. This will initiate a 15 minute period during which the Member may indicate his presence by inserting his Vote-ID card into a vote station and depressing the “present” push-button. The main and summary displays will reflect the Member’s responses as in the case described above for a recorded vote. The vote stations, however, will not accept a vote other than “present” during a quorum period. At the conclusion of the 15 minute period, the time indicated on the summary display will be “0:00”. The vote stations will remain open until the Chair announces that the count is final, at which point the vote stations will be closed and the time indicator will show “FINAL”. A printed report of those responding on the quorum call will then be distributed as previously described.

If a Member is in the Chamber without his Vote-ID card, he may indicate his presence by using the amber ballot card, as previously described.

One further aspect of the electronic voting system deserves mention at this time. Video consoles equipped with key boards are located at both the majority and minority tables. These devices may be used by the Leadership to review the progress of the vote. The same information is available on both devices, though, of course, they are operated independently of one another. The actual operation and use of the devices is the responsibility of the majority and minority leaders.

Under the provisions of Rules XV and XXIII, the Chair may in his discretion determine that recorded votes be

taken by alternative procedures in lieu of the electronic device. In the House, the Constitutional yeas and nays or an “automatic roll call” (where a quorum is not present and objection to a vote is made for that reason) may be taken by a call of the roll under Clause 1 of Rule XV. In such event, the names of Members shall be called alphabetically and there shall be a second roll call of those Members who failed to respond to the first roll call. Members may respond “aye”, “no”, or “present” when their names are called.

In the House and in the Committee of the Whole a “recorded vote”—that is a vote demanded under the provisions of Clause 5, Rule I by one-fifth of a quorum—may, at the Chairman’s discretion, be told by tellers in lieu of using the electronic system. In that event, Members will fill in a green “aye” ballot card to be deposited in the “aye” ballot box at the rear of the aisle to the Chair’s left or a red “no” ballot card to be deposited in the “no” ballot box at the rear of the aisle to the Chair’s right. Members wishing to be recorded as “present” in such case will announce this fact to the Chair prior to the announcement of the result.

Quorum calls in the House and in the Committee of the Whole may, at the discretion of the Chair, be recorded by clerks in lieu of electronic devices under clause 2(b) of Rule XV. In that event, Members will find quorum call cards here at the Clerk’s desk which must be filled in by name, State and district. Tally clerks will be stationed at a box to be located at the rear of the center aisle. The Clerks will take the cards, deposit them in the box and count the number of Members who respond to the call. When the Clerk de-

clares that procedures under this clause have been completed the Tally Clerk will give the Chair a final count which the Chair will announce to the House.

The Speaker has placed in the *Congressional Record* a guide to the bell and light system, and has occasionally announced upgrades to reflect current usage. For instance, on Jan. 23, 1979, the Speaker announced the usage as follows:

ANNOUNCEMENT BY THE
SPEAKER

THE SPEAKER: Several changes in the rules of the House with respect to voting will necessitate a change in the legislative bell and light system. The Clerk has sent to each Member a detailed statement indicating changes in the bell system, and the Chair will insert the statement in the Record at this point:

One bell and light indicates a teller vote taken in accordance with clause 5, Rule I (Members indicate their preference by walking up the center aisle to be counted by Members who are named as tellers by the Chair. This is not a recorded vote).

Two bells and lights indicate an electronically recorded vote, either demanded under the Constitution by one-fifth of those present (in the House), by one-fifth of a quorum under cl. 5, Rule I (in the House), by 25 Members (in Committee of the Whole) under cl. 2(b), Rule XXIII, or pursuant to an "automatic vote by yeas and nays" where any Member in the House objects to a vote on the ground that a quorum is not present under cl. 4, Rule XV.

Two bells may also indicate a recorded vote under clause 5, Rule I

under a back-up procedure whenever Members are to record their votes by depositing ballot cards in the "aye" or "no" boxes. The two bells will be repeated five minutes after the first ring to give Members a second notice of the vote in progress.

Two bells, a brief pause, followed by two bells and lights indicates a yea and nay or recorded vote taken under the provisions of clause 1, Rule XV by a call of the roll. The bells will be sounded again when the Clerk reaches the "R's" in the first call of the roll.

Two bells and lights, a brief pause, followed by five bells and lights, indicate the beginning of the first (15 minute) vote in a series of two or more votes where subsequent electronic votes immediately thereafter may be reduced to five minutes; under one of four different procedures as follows:

1. At beginning of first electronically recorded vote ordered on series of "clustered" votes on final passage or adoption of bills, resolutions, or conference reports (cl. 5(b), Rule I);

2. At beginning of electronically recorded vote ordered on recommittal to be immediately followed by possible five-minute record vote on final passage or adoption of bills, resolutions, or conference reports (cl. 5, Rule XV);

3. At beginning of first electronically recorded vote ordered on series of "clustered" votes on resolutions from Rules Committee (cl. 4(e), Rule XI); or

4. At beginning of first electronically recorded vote ordered on series of "clustered" votes on motions to suspend the rules (cl. 3, Rule XXVII).

After the first five minutes on the first electronically recorded vote conducted under any of these procedures, two bells and lights will be repeated to give Members a second notice of the vote in progress. (As indicated below, five bells will be rung

on all subsequent five-minute votes in each series on which the Speaker has reduced voting time.)

Three bells and lights indicate a regular quorum call either in the House or Committee of the Whole by electronic system or by clerks (cl. 2, 5, Rule XV, cl. 2(a), Rule XXIII). Three bells will be repeated five minutes after the first ring to give Members a second notice of the quorum call in progress.

Three bells and lights, a brief pause, followed by three bells and lights indicate a quorum call in House or in Committee of the Whole under cl. 1, Rule XV by a call of the roll, repeated when the Clerk reached the "R's" in the first call of the roll.

One long bell, a brief pause, followed by three regular bells, indicate that the Chair has exercised his discretion under cl. 2, Rule XXIII and will vacate proceedings when quorum of the Committee of the Whole appears ("Notice" or "short" quorum call). One bell followed by three bells and lights will be repeated every five minutes unless (a) the call is vacated by ringing of one long bell and extinguishing of three lights, or (b) the Chair converts to a regular quorum call and three regular bells are rung as explained above.

Three bells, a brief pause, followed by five bells, indicate beginning of a regular quorum call in Committee of the Whole, which will possibly be immediately followed by five-minute recorded vote at discretion of Chair if recorded vote is ordered on pending question (cl. 2, Rule XXIII). Three bells will be repeated five minutes after the first ring to give Members a second notice of the quorum call in progress.

Four bells and lights indicate an adjournment of the House, followed by extinguishing of amber light on right.

Five bells and lights indicate the beginning of any five-minute electronically recorded vote. The bells are not rung again during a five minute vote.

Six bells and lights indicate a recess of the House.

Twelve bells, sounded at two-second intervals, with six lights illuminated, indicate Civil Defense Warning.

At the beginning of each Congress, the Speaker usually enunciates guidelines for the use of the electronic voting system. While Rule XV establishes a *minimum* time of 15 minutes for responding on such a vote, in practice, the length of an electronic vote often stretched to 30 minutes or more. In recent Congresses, Speakers have alerted Members that time limits set by the rule would be followed. An example of such a policy statement follows:⁽⁸⁾

THE SPEAKER:⁽⁹⁾ The Chair wishes to enunciate a clear policy with respect to the conduct of electronic votes.

As Members are aware, clause 5 of Rule XV provides that Members shall have not less than 15 minutes in which to answer an ordinary rollcall vote or quorum call. The rule obviously establishes 15 minutes as a minimum. Still, with the cooperation of the Members, a vote can easily be completed in that time. The events of October 30, 1991, stand out as proof of this point. On that occasion, the House was consid-

8. 141 CONG. REC. p. _____, 104th Cong. 1st Sess., Jan. 4, 1995.

9. Newt Gingrich (Ga.).

ering a bill in the Committee of the Whole under a special rule that placed an overall time limit on the amendment process, including the time consumed by rollcalls. The Chair announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes. Members appreciated and cooperated with the Chair's enforcement of the policy on that occasion.

The Chair desires that the example of October 30, 1991, be made the regular practice of the House. To that end, the Chair enlists the assistance of all Members in avoiding the unnecessary loss of time in conducting the business of the House. The Chair encourages all Members to depart for the Chamber promptly upon the appropriate bell and light signal. As in recent Congresses, the cloakrooms should not forward to the Chair requests to hold a vote by electronic device, but should simply apprise inquiring Members of the time remaining on the voting clock.

Although no occupant of the chair would prevent a Member who is in the well of the Chamber before the announcement of the result from casting his or her vote, each occupant of the Chair will have the full support of the Speaker in striving to close each electronic vote at the earliest opportunity. Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive in the Chamber.

Verifying Votes Cast by Electronic Device

§ 31.3 The Speaker announced that Members should utilize

the safeguards of the electronic voting system to verify that their votes are properly recorded.

On Feb. 6, 1973,⁽¹⁰⁾ shortly after the House convened, the Speaker⁽¹¹⁾ made a statement regarding the verification problems attendant upon electronic voting:

The Chair would like to make a brief statement about the use of the electronic voting system.

Members now have been using this new voting system for several days. A sufficient number of Members have spoken to the Chair about its use to demonstrate that there is some general misunderstanding, or lack of understanding, about the safeguards which have been built into this system. The Chair would like to stress two points:

First, when a Member inserts his card in a voting station, he should carefully note whether the blue light—that is the light on the far right of the voting station—goes off momentarily and then illuminates. When this light comes on, and only then, is the mechanism ready to receive the Member's vote. The Member then depresses the appropriate button—yea, nay, or present—before removing his card. When he depresses the button of his choice, that button will also light. It may take a second or two for this voting light to come on. The Member should continue to depress the button until it does illuminate.

10. 119 CONG. REC. 3558, 93d Cong. 1st Sess.

11. Carl Albert (Okla.).

Second, having voted in this fashion, a Member can very quickly and simply verify whether or not he is correctly recorded, or is recorded at all, on the rollcall or quorum call then in progress, simply by reinserting his card in the same or any other voting station and observing which button lights. If he has previously voted in the affirmative, for example, the yea button will light to indicate that the computer already has registered his vote.

A Member also can verify his vote by watching the master panel on the wall of the Chamber above the Press Gallery. However, a Member can more accurately check his vote by the procedure just explained.

If a Member has any difficulty with the system, he should of course check with the employees of the House who are positioned at the majority and minority tables next to the monitoring screens.

Changing Electronic Votes

§ 31.4 At various times, the Speaker has announced changes in the procedure for changing votes taken by the electronic system. In the 94th Congress, a policy was implemented which prohibited vote changes from the voting stations and required Members to come to the well, fill out a vote card, and announce his change. This policy was reversed in the second session of the 94th Congress.

On Sept. 17, 1975,⁽¹²⁾ Speaker Carl Albert, of Oklahoma, made the following statement:

ANNOUNCEMENT BY THE SPEAKER

THE SPEAKER: The Chair desires to make an announcement.

It has been suggested to the Chair by the leadership on both sides of the aisle, by representatives of the Committee on House Administration, and by other Members that certain procedures associated with the use of the electronic voting system be changed—specifically, those procedures required to change a vote once it has been cast.

Under the present procedure, a Member may change a vote simply by repeating the method used for casting his original vote and may do so any number of times during the progress of a vote.

After due consideration of all the factors involved in directing an adjustment in voting procedures, the Chair has come to the conclusion that it would be better if the House were to return to the system for changing votes which was in effect prior to the advent of the electronic system; that is, that Members should come to the well at the conclusion of the vote to announce and make changes in their votes. Accordingly, the Chair has directed that the voting computer be reprogramed, effective September 22, 1975, so that once votes have been cast during a voting period they may be changed only if Members come into the well at the conclusion of the 15-minute minimum vot-

12. 121 CONG. REC. 28903, 94th Cong. 1st Sess.

ing time, seek recognition and announce their vote changes after their names are called by the reading clerk. When called by name, Members should state “off aye, on no” or “off no, on aye” or “off aye, on present,” and at the same time hand in a red, green or amber tally card to indicate a final vote of “no,” “aye,” or “present.” The computer will accept no vote changes from the voting stations in the Chamber, other than from “present” to “aye” or “no.”

The specific procedure is as follows: At the end of the 15 minute voting period permitted under clause 5, rule XV, the Chair will follow his present practice of asking if there are additional Members who wish to be recorded.

When the Chair ascertains that there are no other Members attempting to be initially recorded, the Chair will then inquire if there are Members who wish to change their votes. As indicated, a Member who wishes to change his vote must come to the well, and when his name is called, announce his change and submit a red, green or amber voting card to the tally clerk to indicate his corrected vote. The tally clerk will then enter the corrected vote into the computer and the changed vote will then be reflected on the large voting panel over the Speaker’s rostrum, on the south wall of the Chamber.

While this process is continuing, Members who have not initially voted may, of course, still be recorded but they must do so by submitting a card at the well, for the voting stations throughout the Chamber will be turned off during these proceedings.

As stated, these new procedures will be in effect on next Monday. The Chair

trusts that Members will view these changes as the Chair intends them—as an attempt to further improve upon and preserve the usefulness and integrity of the voting procedures of this House.

PARLIAMENTARY INQUIRY

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

Mr. Bauman: Mr. Speaker, within the last few months the gentleman from Maryland raised a request from the floor for a recapitulation following a rather close electronic rollcall, and was informed by the Chair that under the electronic system, recapitulations were not permitted.

It seems fairly obvious, at least to the gentleman from Maryland, that under this new procedure a recapitulation would not only be in order, but in many instances would probably be very beneficial, especially if the result were very close.

I put this question to the Chair: Under this changed electronic procedure just announced, will recapitulations be granted when requested by Members?

THE SPEAKER: As the gentleman has submitted his parliamentary inquiry, there is no change in that ruling. That is not the reason why the prior ruling was made. The names of the Members will still appear on the panel and Members can verify their changed votes without a recapitulation. That was the basis for the original ruling, that all names, whether they are by Members inserting their voting cards

or voting from the well, will appear on the voting panel for verification. The ruling will remain as it was when the gentleman made his inquiry at an earlier date.

MR. BAUMAN: Mr. Speaker, I have a further parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BAUMAN: What the gentleman from Maryland is not completely sure about is by what complete authority changes of the rules of this nature are made by the ruling of the Chair alone. If a Member wished to seek to have the full House act on the announcement just made by the Chair, would this be done only by resolution referred to the Committee on Rules?

THE SPEAKER: The gentleman is correct.

MR. BAUMAN: I thank the Chair.

On Mar. 22, 1976,⁽¹³⁾ Speaker Albert announced a further modification of the voting system to permit Members to change their votes electronically during the first 10 minutes of the 15-minute voting period but requiring changes made in the last five minutes to be announced from the well by submission of a voting card.

ANNOUNCEMENT BY THE SPEAKER—CHANGE IN ELECTRONIC VOTING SYSTEM

THE SPEAKER: The Chair wishes to make an announcement concerning the electronic voting system.

After consultation with the leadership on both sides of the aisle and with the chairman of the Committee on House Administration, it has been decided that it would be a convenience to Members to permit changes in votes cast with the electronic system by reinserting a voting card during the first 10 minutes of the voting period. After 10 minutes, if a Member wishes to change his vote, he must follow the present procedure of doing so by voting card, in the well, following the completion of the 15-minute voting period. As with the present system, a Member wishing to change a vote cast during a 5-minute vote, such as occur on suspension days, must do so by filling out a card in the well and announcing his change when recognized to do so.

The necessary programing of the computer has been accomplished to accommodate this change and so this new procedure is effective today.

In 1977,⁽¹⁴⁾ Speaker Thomas P. O'Neill, Jr., of Massachusetts, clarified the policy to be followed for making changes during a vote which has been reduced to five minutes of duration. During such votes, changes can be made electronically and an announcement from the well is not required.

THE SPEAKER: The Chair desires to make an announcement concerning the electronic voting system. . . .

. . . [O]n 5-minute votes, the revised procedure will permit Members to reinsert voting cards in any voting sta-

13. 122 CONG. REC. 7394, 94th Cong. 2d Sess.

14. 123 CONG. REC. 73, 74, 95th Cong. 1st Sess., Jan. 4, 1977.

tion at any time until the Chair directs voting stations to be closed by inquiring whether Members in the Chamber wish to change their votes or be recorded. From that point until the Chair's announcement of the result, Members must follow the present procedure of submitting voting cards, in the well, at the completion of the 5-minute voting period, and announcing his change when recognized to do so.

The necessary programing of the computer has been accomplished to accommodate this change and so this new procedure on 5-minute votes is effective today.

§ 31.5 Although Members have a minimum of 15 minutes in which to record their votes on a vote taken by electronic device, the Chair has exercised his discretion to close the vote and to announce the result at any time after the 15 minutes have elapsed; and those precedents guaranteeing Members in the Chamber the right to have their votes recorded even if the Chair has announced the result, which predate the use of an electronic voting system, do not require the Chair to hold open indefinitely a vote taken by electronic device.

The Chair has on occasion been required to make ad hoc decisions concerning the use of the electronic system when circumstances

in the Chamber required. On Mar. 14, 1978,⁽¹⁵⁾ certain Members were expressing their dissatisfaction with a decision made by a standing committee by asking for numerous roll calls on procedural matters: a call of the House, a vote on a motion that the Journal be read, and another vote on the approval of the Journal were part of the tactics employed. Members were also delaying the termination of votes by changing their responses from yea to nay in the well at the conclusion of votes.

The following proceedings, during which the Speaker Pro Tempore entertained a parliamentary inquiry during the progress of the vote—a practice normally not followed but one within the Chair's discretion—illustrate the authority of the Chair to meet parliamentary exigencies.

[Following a quorum call, the Speaker pro tempore moved to the next order of business.]

THE SPEAKER PRO TEMPORE: ⁽¹⁶⁾ The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I object to the approval of the Journal.

15. 124 CONG. REC. 6838–41, 95th Cong. 2d Sess.

16. Lloyd Meeds (Wash.).

THE SPEAKER PRO TEMPORE: Objection is heard.

Does the gentleman from Maryland offer a motion?

MR. BAUMAN: I do, Mr. Speaker.

PREFERENTIAL MOTION OFFERED BY
MR. BAUMAN

MR. BAUMAN: Mr. Speaker, I offer a preferential motion.

THE SPEAKER PRO TEMPORE: The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. Bauman moves that the Journal be read in full.

THE SPEAKER PRO TEMPORE: The question is on the preferential motion offered by the gentleman from Maryland (Mr. Bauman).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

MR. BAUMAN: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 99, nays 301, not voting 34, as follows: . . .

Messrs. McClory, Schulze, Walker, Dickinson, Vander Jagt, Stangeland, Steers, and Livingston changed their vote from “nay” to “yea.”

Messrs. Moore, Edwards of Oklahoma, Stratton, Marlenee, Don H. Clausen, and Burgener changed their vote from “yea” to “nay.”

THE SPEAKER PRO TEMPORE: All time has expired.

The Chair will take votes of those Members who have not had an opportunity to vote, and those who have had such an opportunity can clear the well.

If there are people here who have not voted, the Chair will take those votes. Otherwise, the vote is closed.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: All time has expired.

MR. ASHBROOK: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. ASHBROOK: Mr. Speaker, under Cannon's Precedents it says clearly:

The vote of a Member failing to be recorded, he may insist that it be recorded even after the Chair has declared the result and the Chair then makes a new declaration (V, 6064, 6065; VIII, 3143).

Under the precedents, I would like to suggest that the Chair is not making a proper ruling.

THE SPEAKER PRO TEMPORE: Those precedents apply only to rollcalls preceding the installation of the electronic device and are not a precedent for holding the vote by electronic device open indefinitely.

All time has expired.

So the motion was rejected.

The result of the vote was announced as above recorded.

MR. [RICHARD T.] SCHULZE [of Pennsylvania]: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state his point of order.

MR. SCHULZE: Mr. Speaker, I attempted to change my vote under the electronic device process before the conclusion of the vote and was unable to do so. So, if we are not going to be able to change our vote by electronic device then we must be able to change

our vote in the well or change the electronic device so that we can watch our vote.

THE SPEAKER PRO TEMPORE: The gentleman's objection will be noted. The Chair will rule that a point of order will not lie when the Chair exercises his discretion to close the voting.

In the absence of an objection the Chair will approve the Journal.

MR. BAUMAN: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, I move that the Journal be approved.

MR. BAUMAN: Mr. Speaker, I demand that the gentleman submit a written motion.

MR. FOLEY: I have a written motion at the desk.

THE SPEAKER PRO TEMPORE: The Clerk will report the motion.

The Clerk read as follows:

Mr. Foley moves that the Journal be approved.

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Washington (Mr. Foley).

The question was taken and the Speaker pro tempore announced that the ayes appeared to have it.

MR. ASHBROOK: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 371, nays 29, not voting 34, as follows: . . .

THE SPEAKER PRO TEMPORE: Are there Members in the Chamber who have failed to cast their votes?

The Chair will advise Members that the electronic voting stations are still

open, and they will remain open for 5 minutes.

MR. [ROBERT E.] BADHAM [of California]: My card did not work, Mr. Speaker.

THE SPEAKER PRO TEMPORE: If there are Members who do not have cards, the Chair will certainly take the word of those Members and they may vote in the well.

MR. [GARRY] BROWN of Michigan: Mr. Speaker, I do not recall that the rules provide for qualification.

THE SPEAKER PRO TEMPORE: Members who desire to vote may do so. The voting stations will remain open for 5 minutes.

MR. BAUMAN: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The Chair will take the parliamentary inquiry, although he is not required to do so during the vote.

MR. BAUMAN: The gentleman from Maryland thanks the Chair for his indulgence.

The gentleman from Maryland was aware that the Speaker of the House of Representatives had previously announced rules governing the operation of the electronic voting device. Is the Chair now announcing that those rules have been permanently changed, and that there will be no 5-minute closed period at the end of all 15-minute roll-calls?

THE SPEAKER PRO TEMPORE: The Chair will state that he is not making a change. He is just adapting the procedure to fit the situation.

MR. BAUMAN: I thank the Chair.

MR. [JAMES G.] MARTIN [of North Carolina]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MARTIN: Mr. Speaker, the Speaker has announced that the electronic recording devices are open. They are, but they have neglected to throw the switch which will allow us to change our vote, which is what I have been trying unsuccessfully to do.

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman that the voting stations remain open for those Members who have not yet recorded their votes. Pursuant to the announcement of the Speaker on March 22, 1976, changes in votes already recorded may not be made from the voting stations during the last 5 minutes of a vote taken by electronic device, but must be made by card from the well.

MR. MARTIN: That is right, Mr. Speaker, because I have not been able to change my vote.

THE SPEAKER PRO TEMPORE: Will the gentleman from North Carolina (Mr. Martin) bring his card to the well?

The gentleman will not be able to change his vote at this time; he will be able to vote for the first time. If the gentleman desires to change his vote, he should come to the well when we take changes at the end of the 5 minutes.

Five minutes has expired. The Chair will accept changes for an additional 5 minutes.

Messrs. Johnson of Colorado, Schulze, Hagedorn, Ketchum, Wampler, Coughlin, O'Brien, Walker, Collins of Texas, Crane, Del Clawson and Treen changed their vote from "nay" to "yea."

Messrs. Kindness, Dickinson, Livingston, Martin, and Steers changed their vote from "yea" to "nay."

So the motion was agreed to.

The result of the vote was announced as above recorded.

MR. [MICKEY] EDWARDS of Oklahoma: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Edwards of Oklahoma moves to reconsider the vote whereby the Journal was approved.

MR. FOLEY: Mr. Speaker, I move to lay the motion to reconsider on the table.

THE SPEAKER PRO TEMPORE: The question is on the motion to table the motion to reconsider.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

MR. EDWARDS of Oklahoma: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 308, nays 91, not voting 35, as follows:

Mr. McEwen changed his vote from "present" to "yea."

Mr. Beard of Tennessee changed his vote from "yea" to "nay."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

No Recapitulation on Electronic Vote

§ 31.6 A Member may not demand a recapitulation of a vote taken by electronic device.

Where the House was voting on the adoption of a special rule which provided that the House concur in Senate amendments to a House bill, the vote on adoption was very close—with the voting display showing a tie at 213 voting aye and 213 voting in the negative. A Member who had been recorded as “present” then changed his vote, filling out a card at the Clerk’s table and voting in the affirmative. The resolution was thus agreed to by a one vote margin. Mr. Robert E. Bauman, of Maryland, then asked for a “recapitulation.” Speaker Carl Albert, of Oklahoma, declined to recognize for that demand. Pertinent proceedings from July 30, 1975,⁽¹⁷⁾ were as follows:

MR. [JOHN] YOUNG of Texas: Mr. Speaker, I move the previous question on the resolution.

THE SPEAKER: Without objection, the previous question is ordered.

MR. BAUMAN: Mr. Speaker, I object.

THE SPEAKER: Does the gentleman from Maryland object to ordering the previous question?

MR. BAUMAN: I do, Mr. Speaker.

The question was taken; and the Speaker announced that the ayes appeared to have it.

MR. BAUMAN: Mr. Speaker, on that I demand a division.

The question was taken; and there were—ayes 396, noes 20.

17. 121 CONG. REC. 25840, 25841, 94th Cong. 1st Sess.

So the previous question was ordered.

THE SPEAKER: The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

MR. BAUMAN: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 214, nays 213, answered “present” 1, not voting 6, as follows: . . .

MR. BAUMAN (prior to the announcement of the vote): Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. BAUMAN: Mr. Speaker, the gentleman from Florida (Mr. Burke) was listed in the recorded vote on the board as having voted aye.

MR. [J. HERBERT] BURKE of Florida: Mr. Speaker, I changed my vote from “present” to “aye.”

THE SPEAKER: The vote is final.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

POINT OF ORDER

MR. BAUMAN: Mr. Speaker, I have a point of order.

THE SPEAKER: The gentleman will state it.

MR. BAUMAN: Mr. Speaker, I demand a recapitulation, under the rules.

THE SPEAKER: Under the rules, a recapitulation of an electronic vote is not in order.

Mr. Bauman: Mr. Speaker, that is unfortunate.

§ 31.7 The Speaker Pro Tempore indicated in response to a parliamentary inquiry that a demand would not be in order for a recapitulation of a vote taken by electronic device even where the display panels were inoperative, since individual votes and vote totals still could be verified through individual voting stations and through the monitoring stations.

On June 21, 1978,⁽¹⁸⁾ the Chair, in response to a parliamentary inquiry, Speaker Pro Tempore James C. Wright, Jr., of Texas, declined to entertain a request for a recapitulation.

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.

MR. BAUMAN: Mr. Speaker, in view of the fact that the display board is not working today, will it be in order for Members to demand a recapitulation of the vote in view of the fact that we quite often have close votes on amendments or on other legislation here?

THE SPEAKER PRO TEMPORE: The Chair will state that Members can still verify by the machine. A Member can

ascertain the manner in which his vote has been recorded after having voted by inserting his card into the same or a different receptacle or by going to a monitor. There will be attendants at the monitors on both sides of the Chamber.

MR. BAUMAN: I thank the Speaker.

Speaker's Discretion as to Use of Standby Procedures

§ 31.8 The Speaker announced that, pending preparation and testing of Members' voter-identification cards to be used with the newly installed electronic voting system, roll call votes would be conducted under the standby provisions of the rules.

On Jan. 3, 1973,⁽¹⁹⁾ the Speaker⁽²⁰⁾ was obliged to delay the implementation of the electronic voting system. Accordingly, he advised the Members as follows:

The Chair desires to make a statement, and it is a statement that is important to all of the Members of the House.

The Rules of the House provide for the use of an electronic voting system which has recently been installed in the House Chamber. The chairman of the Committee on House Administration addressed a letter to each Member advising the places, dates, and times

18. 124 CONG. REC. 18260, 95th Cong. 2d Sess.

19. 119 CONG. REC. 27, 93d Cong. 1st Sess.

20. Carl Albert (Okla.).

when staff personnel from the office of the Clerk and the Committee on House Administration would be available for preparation of House of Representatives voter identification cards. The Chair urges Members to have the cards prepared and tested as soon as possible. Of course, it will take a few days to complete this project. Therefore, pursuant to the authority contained in clause 5 of rule XV,⁽¹⁾ the Chair directs that until further notice all rollcall votes and quorum calls shall be taken by the Clerk calling the roll in the same manner as was the practice in the last Congress.

Members will be given sufficient notice as to when the electronic voting system will be activated.

§ 31.9 The Speaker may direct the Clerk to call the roll alphabetically where the electronic voting device is not in operation.

On May 16, 1973,⁽²⁾ the Committee of the Whole having arisen after considering a bill (H.R. 5777) to protect hobbyists against the manufacture of certain imitation hobby items, among other things, the Speaker⁽³⁾ put the question on the passage of the bill. The question was taken; and the Speaker announced that the ayes appeared to have it.

At this point, Mr. John W. Wydler, of New York, objected to

1. *House Rules and Manual* §774b (1995).
2. 119 CONG. REC. 15860, 93d Cong. 1st Sess.
3. Carl Albert (Okla.).

the vote on the ground that a quorum was not present and made the point of order that a quorum was not present. The Speaker sustained the point of order, but noted that "The electronic voting device apparently is not operating properly." Accordingly, the Clerk was directed to call the roll.

Where the electronic voting system is inoperative, one back-up procedure available in the House or in Committee of the Whole is the procedure in Rule XV, clause 2(b)-"tellers with clerks." This alternative voting procedure has been utilized to conduct a "short quorum" call in Committee of the Whole.⁽⁴⁾

§ 31.10 The Speaker has announced that the electronic voting system was temporarily inoperable and that until further notice roll call votes would be conducted under the "back-up" provisions of the rules.

4. The use of tellers with clerks consumes less time than a roll call by the Clerk, but is seldom used since the clerks are often not prepared with cards and ballot boxes without advance notice. See the proceedings of July 13, 1983, 129 CONG. REC. 18858, 98th Cong. 1st Sess. for an instance where tellers with clerks were used as a backup in Committee of the Whole.

On Mar. 7, 1973,⁽⁵⁾ the Speaker⁽⁶⁾ made the following statement to the Members:

The Chair would like to make an announcement.

The Chair has been advised that the electronic voting system is at the present time not operable.

Until further notice, therefore, all votes and quorum calls will be taken by the standby procedures which are provided in the rules.

Parliamentarian's Note: Rule XV clause 1 authorizes the Chair to direct the alphabetical call of the roll on "every roll call" unless the Chair in his discretion, utilizes the electronic device.⁽⁷⁾ Rule XV clause 5 refers to "any roll call or quorum call;"⁽⁸⁾ and clause 2(b) permits "calls of the House" to be told by clerks where the electronic device is not utilized.⁽⁹⁾

§ 31.11 The use of the electronic voting system, inoperative for several days, resumes at the Chair's discretion.

On July 19, 1973,⁽¹⁰⁾ following messages from both the President

5. 119 CONG. REC. 6699, 93d Cong. 1st Sess.

6. Carl Albert (Okla.).

7. *House Rules and Manual* § 765 (1995).

8. *House Rules and Manual* § 774(b) (1995).

9. *House Rules and Manual* § 771(b) (1995).

10. 119 CONG. REC. 24919, 93d Cong. 1st Sess.

and the Senate, the Speaker⁽¹¹⁾ made the following announcement:

The Chair desires to make a statement.

The Chair has been advised that the electronic voting system, which has not been functioning for the past 3 days, is now in order.

Technicians thoroughly tested the system this morning and have assured the Chair that it is fully operable.

The Chair will therefore direct that its use be resumed as of today.

Electronic Voting System; Display Panels Inoperative

§ 31.12 The Speaker has directed the electronic voting system to be utilized even where the display boards showing how Members are recorded and the running totals on the pending vote are inoperative, where he is assured that the votes can still be correctly recorded by the insertion of the Members' voting cards and that Members can verify their votes by reinserting their cards.

On June 6, 1977,⁽¹²⁾ Speaker Thomas P. O'Neill, of Massachusetts, made the following an-

11. Carl Albert (Okla.).

12. 123 CONG. REC. 17484, 95th Cong. 1st Sess.

nouncement concerning the use of the electronic voting system:⁽¹³⁾

THE SPEAKER: The Chair would like to make an announcement about the electronic voting system. The Chair has been informed that the board displaying each Member's name behind the Chair and the boards displaying the bill number and vote totals to the left and right of the Chair are not working today. However, all voting stations are operating, and the Chair has directed all vote monitoring stations to be staffed with personnel so any Member may go to any monitor and verify his or her vote. Members may also verify their votes—as they should on any vote, by reinserting their card at the same or another voting station.

The Chair therefore directs that the vote be taken by electronic device. Members interested in the progress of the vote may inquire at the vote monitoring stations.

Where Breakdown Occurs—De Novo Votes

§ 31.13 Where the electronic voting system became inop-

13. Similar announcements were made where the display panels were again inoperative on June 21, 1978, 124 CONG. REC. 18256, 95th Cong. 2d Sess.; July 18, 1979, 125 CONG. REC. 19279, 96th Cong. 1st Sess.; Sept. 18, 1985, 131 CONG. REC. 24160, 99th Cong. 1st Sess.; Dec. 4, 1985, 131 CONG. REC. 34233, 99th Cong. 1st Sess. On Sept. 19, 1985, the electronic system failed again, and the Speaker ordered the vote taken by a roll call. 131 CONG. REC. 24245, 99th Cong. 1st Sess.

erative during a recorded vote in Committee of the Whole, the Chair, pursuant to his authority under the rules, directed that the vote be taken de novo by clerks.

On July 16, 1973,⁽¹⁴⁾ the Committee of the Whole was considering a bill (H.R. 8860) to amend and extend the Agricultural Act of 1970. The Chairman⁽¹⁵⁾ put the question on an amendment offered by Mr. Bob Bergland, of Minnesota, to strike the cotton section of the bill. The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 49, noes 42.

At this point, Mr. Olin E. Teague, of Texas, rose to demand a recorded vote. Mr. Teague's demand having been supported by the requisite number of Members, a recorded vote was ordered and commenced.

The Chair then interrupted the vote-taking to make the following announcement:

The Chair desires to announce to the Members that the electronic device is not working. This vote will be repeated by a recorded vote with clerks.

—Vacating Vote

§ 31.14 Where the electronic voting system has malfunc-

14. 119 CONG. REC. 23970, 23971, 93d Cong. 1st Sess.
15. William H. Natcher (Ky.).

tioned, the Chair may abort and vacate one electronic vote and initiate a second such vote on the same question pursuant to clause 5, Rule XV.

On Oct. 4, 1989,⁽¹⁶⁾ where a breakdown occurred while a vote by electronic device was in progress, the Speaker ordered the pending vote vacated and immediately ordered a new vote on the same question. The Speaker's announcement explained the situation:

THE SPEAKER PRO TEMPORE:⁽¹⁷⁾ If the Members will bear with the Chair, we have had some problems with the electronic voting machine and the Chair is attempting to decide at this point whether to vacate the previous vote and to begin again, so if the Members will hold for just a moment, the Chair is trying to find out if the machine has been restored.

The Chair would like to advise the House that that machine was not working properly. The Clerk is not certain that all the votes were recorded.

So it is the intent of the Chair to vacate the vote at this point and to direct a new record vote by electronic device on the previous question on the motion to instruct conferees.

The voting machine is now working. So we will begin the voting process again. The Chair is informed that some

Members have left the Chamber, so this will be a full 15 minute vote in all fairness to give all Members an opportunity to vote.

This vote is on ordering the previous question.

The vote was taken by electronic device, and there were yeas 198, nays 222, not voting 12, . . .

So the previous question was not ordered.

—Votes Electronically Recorded Before Breakdown

§ 31.15 Where the electronic voting system became inoperative during a yea and nay vote on a motion to suspend the rules, the Speaker directed the Clerk to call the roll alphabetically pursuant to the rules and then announced that Members who had been recorded prior to the malfunction of the electronic voting device would be included in the tally of those voting on the motion.

On Dec. 21, 1973,⁽¹⁸⁾ Mr. Harley O. Staggers, of West Virginia, moved that the House suspend the rules and agree to a House resolution (H. Res. 761) to take from the Speaker's table a Senate bill (S. 921) to amend the Wild and Scenic Rivers Act, with a Senate amendment to the House

16. 135 CONG. REC. 23204, 101st Cong. 1st Sess.

17. William J. Hughes (N.J.).

18. 119 CONG. REC. 43285, 93d Cong. 1st Sess.

amendment thereto, and agree to the Senate amendment to the House amendment with an amendment.

Following discussion of this proposal, the Speaker⁽¹⁹⁾ put the question,⁽²⁰⁾ whereupon Mr. John D. Dingell, of Michigan, demanded the yeas and nays. The yeas and nays having been ordered, the Members commenced to vote electronically.

In the course of the voting, however, the Speaker interrupted to make the following announcement:

Will the Members of the House give the Chair their attention? The electronic equipment is out of order. It is evident that it is not going to be repaired in time to finish this bill tonight. The Chair knows of no way in which to handle this matter except by a rollcall vote,⁽¹⁾ and to combine with the rollcall vote any Member whose name is recorded who has left.

The question is on the motion offered by the gentleman from West Virginia (Mr. Staggers) that the House suspend the rules and agree to the resolution, House Resolution 761.

19. Carl Albert (Okla.).

20. 119 CONG. REC. 43288, 93d Cong. 1st Sess.

1. The Chair's authority was derived from the provisions of Rule XV. See Rule XV clause 5, *House Rules and Manual* §774(b) (1995); Rule XV clause 1, *House Rules and Manual* §765 (1995).

The question was taken; and (two-thirds not having voted in favor thereof) the motion was rejected. In an effort to clarify the method by which this vote would be indicated in the Record, the Speaker later made an additional statement:⁽²⁾

The Chair wishes to announce that the names of all Members who voted by means of electronic device will be included in the list of those voting on this motion so that the Record will clearly reflect the names of all Members who have voted on this matter.⁽³⁾

2. 119 CONG. REC. 43292, 93d Cong. 1st Sess.

3. Accordingly, the text of the Record only shows the complete vote on the motion, and does not distinguish between those Members who voted electronically before the malfunction and those Members who voted thereafter.

A similar breakdown of the electronic system occurred in 1981 during the consideration of amendments to the Interior Department appropriation bill (H.R. 4035) in the Committee of the Whole. Chairman George E. Danielson, of California, handled the situation in a similar fashion, directing a roll call vote *de novo* but stating that Members who had responded electronically would be "captured" in the final tally. 127 CONG. REC. 16819-20, 97th Cong. 1st Sess., July 22, 1981. In the 98th Congress, where a breakdown occurred in the middle of an electronic vote on the approval of the Journal, the Chair again used a roll call as

Correcting Electronic Vote

§ 31.16 While the Speaker will not entertain unanimous-consent requests to correct the Record and Journal on a vote taken by electronic device or where a vote was changed by submission of a ballot card to the tally clerk, the incorrect transcription by the Official Reporters of Debates of an announced vote change in the well may be corrected in the Record by unanimous consent.

On Sept. 24, 1975,⁽⁴⁾ a Member incorrectly recorded by the Official Reporters of Debate as having changed his vote, received unanimous consent for the correction of the permanent Record:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, in the Record of yesterday, September 23, 1975, on page H8993, I am correctly recorded as having voted "yea" on rollcall No. 536, the vote on the Collins of Texas anti-busing amendment.

However, on the same page, after the rollcall, the following paragraph appears:

the means of finalizing the result. The final tally was delayed until the Clerk could retrieve the names of Members who had voted electronically but failed to answer the roll when their names were called. 129 CONG. REC. 18844, 98th Cong. 1st Sess., July 13, 1983.

4. 121 CONG. REC. 30059, 94th Cong. 1st Sess.

Messrs. Dent and Ullman, Mrs. Boggs, Messrs. Addabbo, Smith of Iowa, Carney, Hastings, Bauman, and Florio changed their vote from "yea" to "nay."

Mr. Speaker, this is incorrect. I did not change my vote at all, having voted "yea" during the rollcall. I did, however, come to the well and inquire of the Chair (Mr. Bolling) how I was recorded. I did so out of an abundance of caution, in view of the new procedure announced by the Speaker which now governs electronic rollcalls.

Mr. Speaker, I ask unanimous consent that the permanent Record be corrected to reflect the fact that I did not change my vote, and I thank the Chair.

THE SPEAKER:⁽⁵⁾ Is there objection to the request of the gentleman from Maryland?

There was no objection.

ANNOUNCEMENT BY THE
SPEAKER

THE SPEAKER: It has been called to the Chair's attention that the Record of yesterday incorrectly indicates changes of votes made by two Members, one of whom being the gentleman from Maryland (Mr. Bauman).

The Chair will point out, however, that the errors in the Record were errors in transcription of the notes taken by the reporters, and that the proper votes by each Member were accurately recorded in the electronic system and can be verified by the voting cards themselves.

The Chair has taken precautions to assure that in the future any changes of votes recorded by the Official Re-

5. Carl Albert (Okla.).

porters of Debates will be checked against the voting cards submitted to the tally clerk before they are noted in the *Congressional Record*.

§ 31.17 The Speaker entertained a unanimous-consent request to permit a Member to correct the Record and Journal where he had inadvertently not been recorded on a quorum call taken by a call of the roll where the electronic voting system had been inoperative.

Parliamentarian's Note: Where a unanimous-consent request to correct the permanent Record is procedurally permissible and no objection is heard, the actual honoring of the request obviates the need to include it, as originally stated, in the permanent edition of the Record. The reader of the permanent edition, of course, will be unaware that any mistake warranting such a correction was made. Accordingly, all correction requests of this category (i.e., those which require unanimous consent, which are procedurally permissible, and which are not objected to) may only be found in the temporary edition of the *Congressional Record*.

On July 17, 1973,⁽⁶⁾ Mr. Ronald A. Sarasin, of Connecticut, rose to address the Chair⁽⁷⁾ as follows:

6. CONG. REC. (daily ed.), 93d Cong. 1st Sess.

7. Carl Albert (Okla.).

Mr. Speaker, on yesterday, July 16, 1973, on rollcall No. 339, a quorum call, I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the permanent Record and Journal be corrected accordingly.

The Speaker then put the request to the House;⁽⁸⁾ and, there being no objection, the Record was corrected.⁽⁹⁾

Vacating Disputed Vote

§ 31.18 A disputed vote has on rare occasions been vacated and the question put de novo to ameliorate a dispute regarding the conduct of the vote.

Illustrative are the proceedings of June 21 and 22, 1995, where a vote taken in Committee of the Whole was held open for longer than the 17 minutes normally allowed to conclude a vote but was closed while several Members were in the well—or proceeding to the well—attempting to be recorded. The amendment was nar-

8. If the quorum call in question had been taken by electronic means, Mr. Sarasin would have been precluded from obtaining such a correction in light of the general proscription against unanimous-consent requests where electronic voting is involved. See § 32.2, *infra*.

9. 119 CONG. REC. 23986, 93d Cong. 1st Sess., July 16, 1973.

rowly defeated, 213–214 and certain Members felt seriously aggrieved and were protesting the vote. A preferential motion that the Committee of the Whole rise was then offered by the manager of the bill and was adopted. Back in the House, a motion to adjourn was immediately offered and carried. On the following day, June 22, 1995, the Majority Leader asked, in the House, that when the Committee of the Whole resumed its sitting on the measure, the question be put de novo on the disputed amendment. After some discussion, this request was agreed to.

When the Committee resumed its deliberations, the question on the amendment was again put and after limited debate, the amendment was agreed to by a vote of 220–204. Pertinent excerpts from the proceedings surrounding this dispute commencing on June 21, 1995,⁽¹⁰⁾ were as follows:

THE CHAIRMAN:⁽¹¹⁾ It is now in order to consider amendment No. 5 printed in House Report 104–146.

AMENDMENT OFFERED BY MR. FAZIO OF CALIFORNIA

MR. [VIC] FAZIO of California: Mr. Chairman, I offer an amendment.

10. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.

11. John Linder (Ga.).

THE CHAIRMAN: The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Fazio of California: Page 19, after line 13, insert the following:

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92–484) including official reception and representation expenses, expenses incurred in administering an employee incentive awards program, and rental of space in the District of Columbia, \$18,620,000.

THE CHAIRMAN: Pursuant to the rule, the gentleman from California [Mr. Fazio] and a Member opposed will each be recognized for 5 minutes.

MR. [RON] PACKARD [of California]: Mr. Chairman, I rise in this instance in strong opposition to the amendment.

THE CHAIRMAN: The gentleman from California [Mr. Packard] will be recognized for 5 minutes. . . .

AMENDMENT OFFERED BY MR.
HOUGHTON AS A SUBSTITUTE FOR THE
AMENDMENT OFFERED BY MR. FAZIO
OF CALIFORNIA

MR. [AMO] HOUGHTON [of New York]: Mr. Chairman, I offer an amendment as a substitute for the amendment.

THE CHAIRMAN: The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment No. 6 offered by Mr. Houghton as a substitute for the amendment offered by Mr. Fazio of California: Page 23, line 18, strike "\$60,083,000" and insert "\$75,083,000".

Page 26, line 19, strike "\$211,664,000" and insert "\$195,076,000".

THE CHAIRMAN: Pursuant to the rule, the gentleman from New York [Mr. Houghton], and a Member in opposition, the gentleman from California [Mr. Packard], will be recognized for 5 minutes. . . .

So the amendment offered as a substitute for the amendment was agreed to. . . .

THE CHAIRMAN: The question is on the amendment offered by the gentleman from California [Mr. Fazio], as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 214, not voting 7, as follows: . . .

THE CHAIRMAN: For what reason does the gentleman from California [Mr. Packard] rise?

MR. PACKARD: Mr. Chairman, I move the Committee do now rise.

THE CHAIRMAN: The gentleman from California moves that the Committee do now rise. There is a motion on the floor. The gentleman from California has been recognized. . . .

MR. [DAVID E.] BONIOR [of Michigan]: A parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: The gentleman from Michigan [Mr. Bonior] will state his parliamentary inquiry.

MR. BONIOR: Mr. Chairman, we had 2 Members in the well with their voting cards out, and the vote was 214 to 213, and the gentleman in the Chair, respectfully I say to him, called the vote while two of our Members were voting. That, Mr. Chairman, is not fair. It is not right. This side of the aisle is not going to stand for it.

THE CHAIRMAN: That is not correct.

MR. BONIOR: I would further add, Mr. Chairman—

THE CHAIRMAN: That was not a parliamentary inquiry.

The gentleman from California [Mr. Packard] has a privileged motion before the Committee. The gentleman will state his motion.

MR. PACKARD: The motion is to rise.

THE CHAIRMAN: The question is on the motion to rise offered by the gentleman from California [Mr. Packard].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

MR. VOLKMER: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 233, noes 190, not voting 11, as follows: . . .

So the motion to rise was agreed to.

The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LaHood) having assumed the chair, Mr. Linder, Chairman of the Committee of the Whole House on the

State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

MR. [RICHARD K.] ARMEY [of Texas]: Mr. Speaker, I move that the House do now adjourn.

THE SPEAKER PRO TEMPORE:⁽¹²⁾ The question is on the motion offered by the gentleman from Texas [Mr. Arme].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

MR. VOLKMER: Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 190, not voting 20, as follows: . . .

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 3 o'clock and 47 minutes p.m.), the House adjourned until tomorrow, Thursday, June 22, 1995, at 10 a.m.

The proceedings in the House and the Committee of the Whole on June 22, 1995,⁽¹³⁾ were as follows:

FAIRNESS IN HOUSE VOTING PROCEDURES

(Mr. Arme asked and was given permission to address the House for 1 minute.)

12. Ray LaHood (Ill.).

13. 141 CONG. REC. p. __, 104th Cong. 1st Sess.

MR. ARMEY: Mr. Speaker, prior to making a unanimous-consent request, I have two comments to make about yesterday's vote on the amendment offered by the gentleman from California [Mr. Fazio] as amended during consideration of the legislative branch appropriations bill.

First, after viewing and reviewing the videotape of yesterday's proceedings, it is quite clear that the Chair, the gentleman from Georgia [Mr. Linder], was on solid parliamentary ground when he called the vote on the Fazio amendment. The Clerk informs us that he called the vote after 17 minutes and 10 seconds. The videotape shows Mr. Linder started to call the vote and refrained from completing the call to allow a Member on the minority side of the aisle to vote at the desk, the gentleman from New York [Mr. Ackerman]. The video then shows the gentleman from Georgia [Mr. Linder] called the vote with the well of the House empty of Members. The video then shows that after some time two Members from the minority party appeared at the desk and attempted to vote. The regular procedure of the House is that after the Chair has called the vote, it is too late for Members to cast a vote. The fact that Mr. Linder paused to allow the gentleman from New York [Mr. Ackerman] to vote demonstrates that his intent was not to arbitrarily shut off Members from their right to vote, nor did the Chair cut off anyone in the well from their right to vote because there were no Members in the well at the time he announced the vote. . . .

However, I know all too well that once the perception of unfairness and arbitrariness has set in, it is difficult

to undo regardless of the facts of the matter. It is important to this Member that fairness govern this Chamber because this Member spent over a decade attempting to do the people's business under very unfair conditions. It is important to this Member that the victories we win are honest and that the defeats we endure are equally so.

For that reason I am about to make a unanimous-consent request to revisit the vote on the Fazio amendment. . . .

MR. [RICHARD A.] GEPHARDT [of Missouri]: Reserving the right to object, Mr. Speaker, and I am reserving the right to object, but I will not object. I want to respond briefly to what the majority leader said.

Mr. Speaker, I think what the majority leader is attempting to do is right. Our version of the facts is different than his, and I would like to give that version just for the purpose of all of us understanding what was involved here and so that we can try to not have these kinds of things happen again.

As all of my colleagues know, the Speaker made a ruling early in the year that we would try to hold votes to 17 minutes. The ruling stated unless someone was in the well. Our version of the facts was that these two Members, who will speak for 5 minutes and will give their version of it in a moment, were in the Chamber, were trying very much to get into the well, but were not able to physically get there, but were, clearly understood by everybody in the Chamber, trying to vote, and in fact at some point, and there is a dispute about when they handed the card in or even handing cards in to vote, when the vote was called to an

end, they were not allowed to vote. There is added suspicion because the vote was close and the majority was winning by one vote, and we had two Members coming into the Chamber, so there is added suspicion from that end of it.

Mr. Speaker, there is very strong feeling on this side. I have been here now 19 years, and I have not in my experience seen the depth of feeling that occurred on this particular issue because, as the gentleman said, the thing that we all hold most dear is our ability to represent over 500,000 people in this Chamber on every issue that is voted on. These Members were doing their best to be here on time and to vote. I think there is added feeling on this side because we seem to be into a differing standard from vote to vote. As was said on the vote just before this vote, there was a long time that the clock was held open. On the vote after, on the motion to adjourn, it again was held open for a much longer time than 17 minutes. . . .

Mr. Speaker, I withdraw my reservation of objection.

THE SPEAKER: Is there objection to the request of the gentleman from Texas?

There was no objection.

THE SPEAKER: Therefore, proceedings on rollcall No. 405 will be vacated, and, when the Committee of the Whole resumes consideration of H.R. 1854 pursuant to House Resolution 169, the Chairman of the Committee of the Whole will be directed to put the question de novo on the amendment offered by the gentleman from California [Mr. Fazio] as amended by the amendment offered by the gentleman from New York [Mr. Houghton]. . . .

LEGISLATIVE BRANCH
APPROPRIATIONS ACT, 1996

THE SPEAKER PRO TEMPORE:⁽¹⁴⁾ Pursuant to House Resolution 169 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1854. . . .

THE CHAIRMAN: When the Committee of the Whole rose on Wednesday, June 21, 1995, amendment No. 5 printed in House Report 104-146 offered by the gentleman from California [Mr. Fazio] had been disposed of.

DE NOVO VOTE ON AMENDMENT
OFFERED BY MR. FAZIO OF
CALIFORNIA, AS AMENDED

THE CHAIRMAN: Pursuant to the order of the House today, the Chair will now put the question de novo.

The question is on the amendment offered by the gentleman from California [Mr. Fazio], as amended.

MR. FAZIO of California: Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. Houghton] be allowed to speak out of order for 2 minutes in order to underscore and explain the amendment that is about to be voted on.

THE CHAIRMAN: Is there objection to the request of the gentleman from California? . . .

THE CHAIRMAN: All time has expired.

The Chair will now put the question de novo.

The question is on the amendment offered by the gentleman from California [Mr. Fazio], as amended.

The question was taken; and the Chairman announced that he was in doubt.

14. Paul E. Gillmor (Ohio).

RECORDED VOTE

MR. FAZIO of California: Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 220, noes 204, not voting 10. . . .

§ 32. Requests To Alter Electronically Recorded Votes

Since the inception of the electronic system, the Speaker has resisted attempts to permit corrections to the electronic tally after the announcement of a vote. This policy is based upon the presumptive reliability of the electronic device and upon the responsibility of each Member to correctly cast and verify his vote. The Speaker has continued to entertain Members' unanimous-consent requests to correct the Record the day after the announcement of the result where the electronic voting system has been inoperative and a backup procedure—where the possibility of human error still exists—was utilized.

Votes or Presence Cannot Be Entered After Vote Has Been Closed and Result Announced

§ 32.1 Following the announcement of the result of a call of